

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TERRANCE BIVINGS,	:	
Petitioner,	:	CIVIL ACTION
	:	
v.	:	
	:	
DAVID L. WAKEFIELD, et al.,	:	No. 07-929
Respondents.	:	

ORDER

AND NOW, this 15th day of **December, 2009**, upon consideration of Magistrate Judge Caracappa's Report and Recommendation (Doc. No. 29), Petitioner's Objections to Report and Recommendation (Doc. No. 30), oral argument on the objections, and a review of the record, it is hereby **ORDERED** that:

1. The Report and Recommendation of United States Magistrate Judge Linda Caracappa dated October 31, 2009 is **APPROVED AND ADOPTED**.
2. Petitioner's Objections to the Report and Recommendation are **OVERRULED**.
3. The Amended Petition for Writ of Habeas Corpus (Doc. No. 26) is **DENIED**.
4. A certificate of appealability **SHALL NOT ISSUE**.

BY THE COURT:



Berle M. Schiller, J.